

**JUDGE NAME: Michael J. Rosen DISTRICT: Eastern ASSIGNED OFFICE: Bristol**

**Assistant's Name: Mary Jane Hendrickson Assistant's email: maryhendri@pa.gov**

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### **JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

### **HEARING PROCEDURES**

**1. What is the first event and what will occur?**

Testimony from Claimant at first hearing on Claim and Reinstatement Petitions. Status and/or Supersedeas Hearings for all other first hearings.

**a. List any documents required at the first event:**

Bureau documents.

**b. Should documents be uploaded as Exhibits or Letters to the Judge?**

Exhibits.

**2. Describe the format of your hearings (e.g., serial, one day – one trial).**

Serial Hearings.

**3. Are you willing to change the hearing format upon request?**

Yes, if the situation warrants.

**4. What factors will you consider in deciding whether to conduct a hearing in-person?**

If testimony from a party or fact witness is scheduled.

**5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

All virtual hearings are to be audio with video, unless a Claimant does not have the technical capability.

**6. What procedure do you follow if a party fails to appear at a hearing?**

Letter to the party.

**7. Do you have special procedures for psychological injury cases? No.**

## **SUPERSEDEAS PROCEDURES**

### **1. What are your procedures for supersedeas hearings?**

Hearing on the record. Defendant to upload documents prior to the hearing.

#### **a. Will testimony be heard?**

No.

#### **b. Is additional time generally granted to obtain medical evidence?**

Yes.

#### **c. Under what circumstances will you reconsider a supersedeas order?**

If the party requests reconsideration and uploads evidence that was not initially considered. Another supersedeas hearing will not be scheduled.

#### **d. Do you generally use written orders for denials?**

Yes.

#### **e. What is required for employee's counsel to obtain interim fee approval?**

Upload a signed fee agreement.

#### **f. Describe any other procedures for supersedeas hearings:**

N/A

#### **g. Describe procedures for special supersedeas hearings, if different:**

N/A

## **WITNESSES/EXHIBITS**

### **1. What are your rules regarding taking testimony?**

Claimant's testimony at first hearing on Claim and Reinstatement Petitions. Prior approval for all other witnesses.

### **2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?**

In-person hearing.

### **3. Under what circumstances will you change your requirements for presentation of testimony?**

Request by a party with good cause shown.

### **4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes    If yes, how much notice do you require? 45 days.**

### **5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?**

Depends on the petitions – will be addressed at the first hearing.

- 6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

It is preferred that the parties upload the documents.

- 7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before the hearing. If before, how far in advance of the hearing must they be uploaded? 1 day.**

- 8. When will you rule on objections to exhibits?**

At a hearing.

- 9. What is your procedure for handling discovery disputes?**

Parties must put the objection in writing.

- 10. What is the last day to file written preservations of deposition objections?**

With the brief.

### **COMPROMISE & RELEASES (C&Rs)**

- 1. Describe your procedures regarding the review of C&R Agreements:**

See below.

- a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?**

Yes, amendments are permissible.

- b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?**

No, draft is not necessary.

- c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

A redacted and an unredacted Compromise and Release Agreement and Act 109 Documents (preferably attached to the Agreement) must be uploaded as exhibits at least two days prior to the Compromise and Release Hearing.

- d. Should child support documents be uploaded as a separate exhibit?**

Not necessary.

- e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

Yes, from the redacted C&R Agreement.

**f. Will you sign bench orders? No.**

**g. Describe any other procedures you have for C&R Agreements:**

If the executed C&R Agreement is not uploaded at least two days prior to the hearing, the hearing may be cancelled. A request for an interpreter must be made through WCAIS at least 14 days prior to the scheduled hearing.

### **STIPULATIONS RESOLVING DISPUTES**

**1. What are your usual procedures regarding the submission, review, and adoption of stipulations?**

No special procedures.

**2. Should the fee agreement be part of the stipulation or separate exhibit?**

No preference.

**3. Should child support documents be uploaded as a separate exhibit?**

No preference.

**4. What other exhibits should be uploaded (i.e. medical bills, etc.)?**

None.

**5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?**

No preference.

**6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

Before they are uploaded to WCAIS.

**7. Describe any other procedures you have for stipulations:**

Stipulation must be signed by the Claimant in addition to his/her attorney. If the Claimant is pro se then a hearing will be scheduled for presentation of Claimant's testimony regarding his/her understanding.

### **BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?**

Yes, a case may be closed via WCAIS submission.

**2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

Depends on the situation.

**3. Describe any preferences regarding the format and content of final submissions:**

No preference.

**MANDATORY MEDIATIONS**

**1. List the offices where you conduct mandatory mediations:**

Bristol Office.

**2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

In-person is preferred. A virtual mediation will be conducted if there is a prior request of the parties.

**3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

If all parties have video capability, then video is preferred.

**4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**

Yes, depends on the situation presented.

**5. Do you require a Mediation Statement? Yes. If yes:**

**a. What information do you require in that Statement?**

Background of the case, the parties' position concerning the litigation, and any monetary negotiations that have already occurred.

**b. What documents, if any, must accompany the Statement?**

None – up to the parties.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

Two days.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes. If so, how long until it is rescheduled? Depends on the schedule.**

**7. Are you willing to conduct more than one mandatory mediation session per Dispute?**

Yes.

**8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

Seven days.

**9. What else should the parties know or do before the mediation?**

The parties should discuss the case, including Claimant submit a demand and Defendant make a counteroffer, prior to the mediation.

**VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations?**

Yes.

**2. How should the parties request a Voluntary Mediation?**

By letter through WCAIS is preferred, or by email.

**3. List the locations where you conduct in-person voluntary mediations:**

Bristol Office.

**4. Will you conduct virtual voluntary mediations? Yes. If yes, for which WCOA Districts will you conduct them? Any.**

**5. Do you mediate Disputes assigned to you for hearing and decision?**

No.

**6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

No.

**7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**

The distance of the parties to Bristol. The preference of both parties.

**8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**

The attorneys are expected to participate by audio with video. The Claimant or Defendant representative is preferred by audio with video if they have the technical capability.

**9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

Yes, only if the distance to the Bristol office is a factor.

**10. Do you require a Mediation Statement? Same as for Mandatory Mediations. If yes:**

**a. What information do you require in that Statement?**

Same as for Mandatory Mediations.

**b. What documents, if any, must accompany the Statement?**

Same as for Mandatory Mediations.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

Same as for Mandatory Mediations.

**11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

It depends on the request and availability of the parties – within a week, a month, etc.

**12. Are you willing to conduct more than one voluntary mediation session per Dispute?**

Yes.

**13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**

This Judge.

**14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

Same as for Mandatory Mediations.

**15. What else should the parties know or do before the mediation?**

Same as for Mandatory Mediations.

**REQUESTS/MISCELLANEOUS**

**1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

14 days.

**2. Under what circumstances do you conduct off the record conference calls?**

None.

**3. Under what conditions/circumstances do you accept e-mails from parties?**

Concerning mediations only.

**4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

No.

**5. What is the best way to contact you in an emergency situation?**

By contacting my assistant.

**6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?**

Cancellations will be posted on the WCAIS dashboard.

**Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.**